

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

EMMERICH NEWSPAPERS, INCORPORATED

PLAINTIFF

v.

CIVIL ACTION NO.: 3:23-cv-26-TSL-MTP

**PARTICLE MEDIA, INC.
D/B/A NEWSBREAK**

DEFENDANT

and

EMMERICH NEWSPAPERS, INCORPORATED

PLAINTIFF

v.

CIVIL ACTION NO.: 3:23-cv-391-TSL-RPM

**PARTICLE MEDIA, INC.
D/B/A NEWSBREAK**

DEFENDANT

ORDER CONSOLIDATING CASES

THIS MATTER is before the Court on Plaintiff’s Unopposed Motion to Consolidate [34] filed in Civil Action No. 3:23-cv-26-TSL-MTP. Plaintiff moves to consolidate this case with Civil Action No. 3:23-cv-391-TSL-RPM asserting that both suits assert common questions of law and fact and involve the same parties.

Pursuant to Federal Rule of Civil Procedure 42(a), the Court may consolidate actions involving common questions of law or fact, especially when doing so will avoid unnecessary costs or delay or will eliminate unnecessary repetition or confusion. *Miller v. United States Postal Serv.*, 729 F.2d 1033, 1063 (5th Cir. 1984); *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761-62 (5th Cir. 1989). “A trial court has broad discretion in determining whether to consolidate a case pending before it.” *Mills*, 886 F.2d at 762.¹

¹ “In civil actions consolidated under Fed. R. Civ. P. 42(a), the action bearing the lower or lowest docket number will control the designation of the district or magistrate judge before whom the

These cases involve common questions of law and fact, and the Court finds that consolidation will serve to reduce expenses, delay, and repetition. The two cases involve the same parties, similar claims, and will have much the same proof regarding liability and damages. Consolidating these matters will eliminate repetition and better utilize judicial resources. Additionally, the Motion is unopposed.

IT IS, THEREFORE, ORDERED that:

1. The Plaintiff's Unopposed Second Motion to Consolidate [34] is GRANTED.
2. These cases are hereby consolidated for all purposes, including trial. Pursuant to Local Rule 42, all future pleadings and filings shall be filed in Civil Action No. 3:23-cv-26-TSL-MTP.

SO ORDERED this the 13th day of July, 2023.

s/Michael T. Parker
UNITED STATES MAGISTRATE JUDGE

motion to consolidate is noticed; the docket number will also determine the judge before whom the case or cases will be tried. Consolidation of actions from different divisions of a district court will be controlled by the earlier filing date." L.U. Civ. R. 42